

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JERRY PARKER,
vs.
WESTERN FLYER EXPRESS, INC.,
Plaintiff,
Defendant.
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Case No. 2:13-cv-00377-GMN-PAL
ORDER

This matter comes before the Court on Defendants' Motion to Reschedule the ENE (#41), filed on July 31, 2013. The Court finds good cause to grant Defendants' request to reschedule given that Plaintiff has been granted until August 26, 2013 to retain new counsel or notify the Court that he will proceed pro se. *See* Order #39. Defendants alternatively renew their request that their client representative be excused from personal attendance. The Court previously denied this request on July 29, 2013 finding that there was no good cause to exempt the client representatives from personally attending the ENE. *See* Order #40. The Court finds no reason to change its ruling on that issue.

Based on the foregoing and good cause appearing therefore,

IT IS HEREBY ORDERED that Defendants' Request to Reschedule the ENE (#41) is granted in part, to the extent it requests that the current ENE be rescheduled, and denied in part.

IT IS FURTHER ORDERED that the current ENE session scheduled for Thursday, August 8, 2013 at 9:00 AM and Thursday, August 1, 2013 deadline for submitting confidential briefs are **vacated**.

IT IS FURTHER ORDERED that the ENE is rescheduled for **Friday, September 20, 2013** at **9:00 AM** in the *chambers* of the undersigned U.S. Magistrate Judge, Room 3014, Lloyd D. George United States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada.

1 **IT IS FURTHER ORDERED** that all counsel of record who will be participating in the trial
2 of this case, all parties appearing *pro se*, if any, and all individual parties must be present in person.
3 In the case of non-individual parties, counsel shall arrange for a representative with binding authority
4 to settle this matter up to the full amount of the claim to be present in person for the duration of the
5 ENE session. If any party is subject to coverage by an insurance carrier, then a representative of the
6 insurance carrier with authority to settle this matter up to the full amount of the claim must also be
7 present in person for the duration of the ENE session.

8 A request for an exception to the above attendance requirements must be filed and served on
9 all parties at least fourteen (14) days prior to the ENE session. Counsel of record, individual parties,
10 a fully-authorized representative, and a fully-authorized insurance representative shall appear in
11 person unless the court enters an order granting a request for exception.

12 **PREPARATION FOR ENE SESSION**

13 In preparation for the ENE session, the attorneys for each party, and the parties appearing *pro*
14 *se*, if any, shall submit a confidential written evaluation statement for the Court's in camera review.

15 The evaluation statement shall be concise and shall:

- 16 1. Identify, by name or status the person(s) with decision-making authority, who, in
17 addition to counsel, will attend the ENE session as representative(s) of the party, and
18 persons connected with a party opponent (including an insurer representative) whose
presence might substantially improve the utility of the ENE session or the prospects
of settlement;
- 19 2. Describe briefly the substance of the suit, addressing the party's views on the key
20 liability issues and damages. This shall include a discussion of the strongest points in
your case, both legal and factual, and a frank discussion of the weakest points as well;
- 21 3. Describe the legal or factual issues, if any, whose early resolution would reduce
22 significantly the scope of the dispute or contribute to settlement negotiations;
- 23 4. Describe the history and status of settlement negotiations; and
- 24 5. Include copies of documents, pictures, recordings, etc., out of which the suit arose, or
25 whose availability would materially advance the purposes of the evaluation session
(e.g., medical reports, documents by which special damages might be determined.)

26 See Local Rule 16-6(f). During the course of the ENE session, the undersigned Magistrate Judge
27 will:

- 28 1. Assist the parties through private caucusing or otherwise, to explore the possibility of
settling the case;

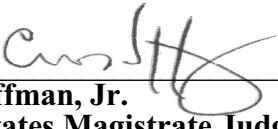
- 1 2. Permit each party (through counsel or otherwise), orally and through documents or
2 other media, to present its claims or defenses and to describe the principal evidence
3 on which they are based;
- 4 3. Assist the parties to identify areas of agreement and, where feasible, enter
5 stipulations;
- 6 4. Assess the relative strengths and weaknesses of the parties' contentions and evidence,
7 and carefully explain the reasoning that supports these;
- 8 5. Estimate, where feasible, the likelihood of liability and the range of damages;
- 9 6. Assist the parties in devising a plan for expediting discovery, both formal and
10 informal, in order to enter into meaningful settlement discussions or to position the
11 case for disposition by other means;
- 12 7. Assist the parties to realistically assess litigation costs; and
- 13 8. Determine whether some form of follow-up to the session would contribute to the
14 case development process or to settlement.

11 See Local Rule 16-6(g).

12 The written evaluation statements shall be submitted directly to my chambers - **Room 3014** -
13 not later than **Friday, September 13, 2013**. **DO NOT DELIVER OR MAIL THEM TO THE**
14 **CLERK'S OFFICE. DO NOT SERVE A COPY ON OPPOSING COUNSEL.** The purpose of
15 the evaluation statement is to assist the undersigned in preparing for and conducting the ENE
16 session. In order to facilitate a meaningful session, your utmost candor in providing the requested
17 information is required. The written evaluation statements will not be seen by or shared with the
18 District Judge or Magistrate Judge to whom this case is assigned. The evaluation statements will be
19 seen by no one except the undersigned. Each statement will be securely maintained in my chambers,
20 and will be destroyed following the session.

21 **FAILURE TO COMPLY WITH THE REQUIREMENTS SET FORTH IN THIS**
22 **ORDER WILL SUBJECT THE NON-COMPLIANT PARTY TO SANCTIONS PURSUANT**
23 **TO, *INTER ALIA*, LOCAL RULE IA 4-1 OR FEDERAL RULE OF CIVIL PROCEDURE**
24 **16(f).**

1 Dated this 1st day of August, 2013.
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C.W. Hoffman, Jr.
United States Magistrate Judge

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